

# PRIZES AND SWEEPSTAKES

## *Illegal Lotteries*

Wisconsin Statutes section 945.02(3) prohibits “lotteries” other than the following:

- Pari-mutual wagering authorized under ch. 562, Stats.
- Bingo or raffles authorized under ch. 563, Stats.
- The state lottery or a multi-state lottery authorized under ch. 565, Stats.

### **Elements of a “Lottery”**

A drawing, contest, sweepstakes or other promotion is an illegal “lottery” if it has all the following elements:

- Participants are given an opportunity to win a prize.
- The prize is awarded on the basis of chance, even if there is also some skill involved.
- Participants must pay money, make a purchase, or give some other “consideration” to enter.

### **The Element of “Consideration”**

“Consideration” includes anything of commercial or financial advantage to the promoter, or disadvantage to the participant. But the following things are *not* “consideration:”

- Watching a television program or listening to a radio program.
- Filling out an entry blank received in the mail or published in a newspaper or magazine, where no purchase is required.
- Furnishing proof of purchase consisting of a product container or a portion of a product container.
- Mailing an entry blank and proof of purchase to a designated address.
- Filling out and depositing an entry blank at a trade show which is not a retail sales establishment, and which is accessible without paying an admittance fee.
- Visiting a commercial establishment or other place without being required to make a purchase or pay an admittance fee.
- Participating in an “in-pack chance promotion” authorized under Wisconsin Statutes section 100.16(2).

## **Enforcement**

The lottery prohibition is part of the general criminal code. County district attorneys prosecute lottery law violations. The Attorney General has issued opinions interpreting the lottery law.